

## **REMARKS/ARGUMENTS**

Please reconsider the application in view of the following remarks.

### **Disposition of Claims**

Claims 5-10, 12-35, 38-39, 42-61, and 63-73 are pending in this application.

### **Election/Restrictions**

Examiner states that the application contains claims directed to patentably distinct species including the first through the ninth embodiments corresponding to figure 1 through figure 9 of the application and requires a single species to be elected for prosecution.

The Applicants hereby elect the species of the eighth embodiment corresponding to figure 8 of the application for prosecution. The Applicants respectfully assert that all claims 5-10, 12-35, 38-39, 42-61, and 63-73 are directed toward the eighth embodiment as all claims relate to a CMOS transistor structure depicted in figure 8 of the application.

### **Conclusion**

In view of the foregoing, Applicant believes that all of the claims 5-10, 12-35, 38-39, 42-61, and 63-73 are now in condition for allowance and respectfully requests the Examiner to issue a timely Notice of Allowance. If for any reason, the Examiner believes any of the claims are not in condition for allowance, he is encouraged to phone the undersigned at (650) 325-4999 so that any remaining issues may be resolved.

Respectfully submitted,

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